

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

JAMES E. FRACTION, JR.,

Defendant.

Crim. No. 95-597 (WJM)

ORDER

HON. WILLIAM J. MARTINI

Defendant having been convicted and sentenced in this matter by the District Court; Defendant having been remanded by the District Court to the custody of the Federal Bureau of Prisons; Defendant having filed a Petition for Writ of Error Per: Audita Querela and the All Writs Act, 28 U.S.C. § 1651; the Court having on July 15, 2008, denied Defendant's petition; Defendant having now on August 6, 2008, filed a motion for reconsideration of that decision, under Local Civil Rule 7.1(i); that rule stating that "[a] motion for reconsideration shall be served and filed within 10 business days after the entry of the order or judgment"; Defendant's motion for reconsideration thus being untimely; Defendant's motion appearing utterly without any legal merit or chance of success; and good cause appearing;

IT IS on this 11th day of August 2008 hereby

ORDERED that Defendant's motion for reconsideration is **DENIED**.

s/ William J. Martini

William J. Martini, U.S.D.J.